

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WELLS FARGO ADVANTAGE NATIONAL
TAX FEE FUND, et al.,

Plaintiffs,

v.

HELICON ASSOCIATES, INC., et al.,

Defendants.

Case No. 08-cv-15162

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND
RECOMMENDATION** (docket no. 260) **AND GRANTING IN PART
MOTIONS FOR ATTORNEYS FEES** (docket no. 250) **AND COSTS** (docket no. 251).

This case involved a dispute over the issuance, sale, and purchase of municipal bonds. The parties eventually entered into a consent judgment on April 25, 2012, resolving the underlying dispute, and awarding damages to the plaintiffs. On May 11, 2012, the plaintiffs filed the instant motions for attorneys fees and costs. The motions were referred to a Magistrate Judge for consideration. On October 31, 2012, the Magistrate Judge issued a Report and Recommendation ("Report"), suggesting that the plaintiffs be awarded attorneys fees in the amount of \$873,810.70, and costs in the amount of \$67,905.50. Neither the plaintiffs nor defendants filed an objection to the Report.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and

recommendation “de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard”).

Because neither the plaintiffs nor defendants filed objections, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings, and grant the motions for attorneys fees and costs in the amount and categories specified in the Report.

WHEREFORE, it is hereby **ORDERED** that the Report (docket no. 260) is **ADOPTED**.

IT IS FURTHER ORDERED that the plaintiffs' motion for attorneys fees (docket no. 250) is **GRANTED** in the amount of \$873,810.70.

IT IS FURTHER ORDERED that the plaintiffs' motion for costs (docket no. 251) is **GRANTED** in the amount of \$67,905.50.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: November 20, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 20, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager